

## PROFESSIONAL LICENSURE DIVISION[645]

### Adopted and Filed

#### Rule making related to licensing regulation, veterans and military spouses

The Professional Licensure Division hereby amends Chapter 19, “Licensure by Verification and of Applicants with Work Experience,” and Chapter 20, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 272C.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

#### *Purpose and Summary*

This rule making revises license by verification rules to comply with 2022 Iowa Acts, Senate File 2383, which removed residency and active duty requirements from the license by verification process for applicants seeking professional licensure who have been licensed in another state. This rule making also adds military spouses as individuals who can be licensed under special veteran reciprocity rules.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 8, 2023, as **ARC 6943C**. A public hearing was held on March 28, 2023, at 9 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by the Division on April 12, 2023.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on June 21, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 19.1(1) as follows:

**19.1(1) Eligibility.** A person may seek licensure by verification if the person is licensed in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, ~~the person has been licensed for a minimum of one year in the other jurisdiction, and either:~~

- ~~a. The person establishes residency in the state of Iowa; or~~
- ~~b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.~~

ITEM 2. Amend subrule 19.1(2) as follows:

**19.1(2) Board application.** The applicant must submit the following:

- a. A completed application for licensure by verification.
- b. Payment of the application fee.
- c. Completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check, if required for initial licensure by the board.
- d. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license, verifying that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.
- ~~e. Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:~~
  - ~~(1) A residential mortgage, lease, or rental agreement;~~
  - ~~(2) A utility bill;~~
  - ~~(3) A bank statement;~~
  - ~~(4) A paycheck or pay stub;~~
  - ~~(5) A property tax statement;~~
  - ~~(6) A federal or state government document; or~~
  - ~~(7) Any other board approved document that reliably confirms Iowa residency.~~
- ~~f. e.~~ A copy of the complete criminal record if the applicant has a criminal history.
- ~~g. f.~~ A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.
- ~~h. g.~~ A written statement from the applicant detailing the scope of practice in the other state.
- ~~i. h.~~ Copies of relevant laws setting forth the scope of practice in the other state.

ITEM 3. Rescind subrule **19.1(5)**.

ITEM 4. Amend rule 645—20.1(272C) as follows:

**645—20.1(272C) Definitions.**

*"Board"* means a licensing board within the professional licensure division.

*"License"* or *"licensure"* means any license, registration, certificate, or permit that may be granted by a licensing board within the professional licensure division.

*"Military service"* means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

*"Military service applicant"* means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

*"Spouse"* means a spouse of an active duty member of the military forces of the United States.

“Veteran” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

ITEM 5. Amend rule 645—20.3(272C) as follows:

**645—20.3(272C) Veteran reciprocity.**

**20.3(1)** A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

**20.3(2)** Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

**20.3(3)** Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of scope of practice in the jurisdiction where the applicant is licensed are~~ is substantially equivalent to the licensing requirements scope of practice in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. ~~As relevant to the license at issue, the board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.~~

**20.3(4)** The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required~~ the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or criminal background.

**20.3(5)** If the board determines that the ~~licensing requirements~~ scope of practice in the jurisdiction in which the applicant is licensed ~~are~~ is not substantially equivalent to ~~those required~~ the scope of practice in Iowa, the board shall promptly inform the applicant of the additional ~~experience~~, education, or ~~examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a ~~provisional~~ temporary license, but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or education or training~~ is required ~~in order for the applicant’s qualifications to be considered substantially equivalent,~~ the applicant may request that the board issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or education or training.~~ The board shall issue a ~~provisional~~ temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or education or training~~ has been successfully completed

or the ~~provisional~~ temporary license expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

**20.3(6)** An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of 645—Chapter 11 shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/17/23.